

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re: :
MICHAEL GREGORY WILSON, :
Debtor. : Case No: 22-30056
: Chapter 13

OBJECTION TO CONFIRMATION

The creditor Amanda Padula-Wilson (“Creditor”), by counsel, objects to confirmation of the Chapter 13 Plan dated August 22, 2022, pursuant to Federal Rule of Bankruptcy Procedure 3015(f), Local Bankruptcy Rule 3015-2(E), and 11 U.S.C. § 1325(a)(1), (3), (6), (7), (8), and (b)(1)(A), as follows:

1. The Chapter 13 Plan fails to provide a recognized payment and term for the claim of Creditor in Section 3(C).
2. Debtor has not paid all his post-petition domestic support obligations, to wit: an ongoing \$3,000 a month payment for spousal support required by the Agreement between the parties, attached as Exhibit A to Proof of Claim #1-1. Further, the Debtor’s Schedule J, line 5, fails to list this current domestic support obligation.
3. Debtor’s chapter 13 plan is underfunded and will not pay for all claims filed or listed. Debtor’s listed priority claims total \$195,378.60 plus a listed secured mortgage arrearage of 95,012.33, equal a total of \$290,390.93, excluding trustee’s commission and attorney’s fees, while the funding is only \$218,800.

4. This chapter 13 plan is not feasible as required under 11 U.S.C. §1325(a)(6). Debtor's budget shows a net monthly income of only \$2,769.32, not including his current domestic support obligation expense of \$3,000 a month. Debtor cannot possibly pay his current mortgage payment, his ongoing domestic support obligation, and the plan payment actually necessary to fund the plan, which creditor estimates to be \$5,481.48 a month over 60 months, using a 10% trustee's commission.
5. This chapter 13 plan has not been proposed in good faith and the action of the Debtor in filing the petition is not in good faith due to the overwhelming amount of priority and secured debt relative to Debtor's earning prospects. Even the slowdown due to the recent pandemic does not adequately explain the more than \$290,000 of accumulated unpaid tax, mortgage arrearage and unpaid domestic support obligations owed.
6. This plan has not been proposed in good faith. Debtor's counsel filed an objection to Creditor's Proof of Claim 1-1 at 11:17 a.m. on June 29, 2022, minutes before the hearing on confirmation of the original chapter 13 plan, notwithstanding the fact that the Debtor himself had acknowledged the validity and amount of Creditor's entire claim in an e-mail to Creditor dated June 20, 2022, as attached. Debtor's counsel has failed and refused to schedule a hearing on his objection to Proof of Claim 1-1 as required under Local Rule 3007-1(B), despite a notice of that requirement to him by the Clerk on July 13, 2022, docket entry number 83. Only after Creditor filed her List of Witnesses and Proposed Exhibits, docket entry

number 88, with the party admission e-mail and clerk's notice, did counsel file this amended Chapter 13 plan, thus avoiding the hearing on the original plan and any discussions on why counsel objected to a claim that his Debtor client admitted, and why counsel would not schedule a hearing on his objection, if it were actually a valid objection reflecting his client's position and not just an improper litigation tactic to obtain confirmation.

7. Amanda Padula-Wilson reserves the right to raise additional supporting grounds to her objection at the confirmation hearing.

WHEREFORE, Amanda Padula-Wilson prays this court sustain this objection to confirmation, deny confirmation of Debtor's chapter 13 plan, and enter such other orders, processes, or judgments that are necessary or appropriate to carry out the provisions of Title 11.

AMANDA PADULA-WILSON
By Counsel

Date: September 2, 2022

/s/James H. Wilson, Jr.
James H. Wilson, Jr.
Counsel for Amanda Padula-Wilson
VSB No: 27878
4860 Cox Road, Suite 200
Glen Allen, VA 23060
(804) 740-6464

PROOF OF SERVICE

I certify that I have this 2nd day of September, 2022, served by ECF or first-class mail, postage prepaid this Objection on the following parties:

Suzanne E. Wade, Chapter 13 Trustee
7202 Glen Forest Dr., Ste. 202
Richmond, VA 23226

Anthony L. White, Esq.
P.O. Box 4665
Glen Allen, VA 23060

United States Trustee
701 E. Broad Street, #4304
Richmond, VA 23219

/s/ James H. Wilson, Jr.
James H. Wilson, Jr., VSB No: 27878
Counsel for Amanda Padula-Wilson